

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 420

Introduced by Senator Simitian

February 17, 2005

~~An act to amend Section 41780 of the Public Resources Code, relating to solid waste. An act to amend Section 22154 of the Public Contract Code, and to amend Section 42701 of the Public Resources Code, relating to public contracts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 420, as amended, Simitian. ~~Waste management: diversion. Public contracts: procurements: recycled products.~~

(1) Existing law provides various procedures for the procurement of goods and services by local public entities. Existing law also requires local public entities to purchase recycled products instead of nonrecycled products according to various procedures and requirements.

This bill would make a technical, nonsubstantive change to correct an erroneous reference to a "state agency" in the local public entity provisions regarding the procurement of recycled products.

(2) Existing law requires the State Procurement Officer to follow specified procedures when purchasing materials for use by the Department of Transportation, or any other state agency that provides road construction and repair services, to utilize paving materials that include recycled materials.

This bill would make these requirements applicable to any state agency that provides construction and repair services.

~~(1) The existing California Integrated Waste Management Act of 1989 establishes an integrated waste management program~~

~~administered by the California Integrated Waste Management Board. Under existing law, the act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. Those entities are required to divert, on and after January 1, 2000, 50% of the solid waste from disposal or transformation, through source reduction, recycling, and composting subject to the element, except as specified.~~

~~This bill would additionally require the source reduction and recycling plan to provide for the diversion of 75% of solid waste, on and after January 1, 2015, thereby imposing a state-mandated local program by imposing new duties on local agencies.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ no.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 22154 of the Public Contract Code is
2 amended to read:

3 22154. (a) All ~~business~~ *businesses* shall certify in writing to
4 the contracting officer, or his or her representative, the minimum,
5 if not exact, percentage of postconsumer material in the products,
6 materials, goods, or supplies being offered or sold to any local
7 public entity.

8 (b) With respect to printer or duplication cartridges that
9 comply with the requirements of subdivision (e) of Section
10 12156, the certification required by this subdivision shall specify
11 that the cartridges so comply.

12 (c) A ~~state agency~~ *local public entity* may waive the
13 certification requirement if the percentage of postconsumer
14 material in the products, materials, goods, or supplies can be
15 verified in a written advertisement, including, but not limited to,
16 a product label, a catalog, or a manufacturer or vendor Internet
17 Web site.

1 *SEC. 2. Section 42701 of the Public Resources Code is*
2 *amended to read:*

3 42701. (a) In purchasing any materials to be used in paving
4 or paving subbase for use by the Department of Transportation
5 and any other state agencies that provide ~~road~~ construction and
6 repair services, the State Procurement Officer shall make
7 contracts available for those items that utilize recycled materials
8 in paving materials and base, subbase, and pervious backfill
9 materials, unless the Director of Transportation determines that
10 the use of the materials is not cost-effective. In determining the
11 cost-effectiveness of the materials subject to this section, the
12 factors that the director shall consider include the following:

13 (1) The lifespan and durability of the pavement containing the
14 materials.

15 (2) The maintenance cost of the pavement containing the
16 materials.

17 (b) This section also applies to any person who contracts with
18 the Department of General Services or with any other state
19 agency to provide these construction and repair services.

20 (c) The recycled materials shall include, but are not limited to,
21 recycled asphalt, crushed concrete subbase, foundry slag, and
22 paving materials utilizing crumb rubber from automobile tires,
23 ash, and glass and glassy aggregates. The specifications shall be
24 based on the standards of the Department of Transportation for
25 recycled paving materials and for recycled base, subbase, and
26 pervious backfill materials.

27 ~~SECTION 1. Section 41780 of the Public Resources Code is~~
28 ~~amended to read:~~

29 ~~41780. (a) Each city or county source reduction and~~
30 ~~recycling element shall include an implementation schedule that~~
31 ~~shows both of the following:~~

32 ~~(1) For the initial element, the city or county shall divert 25~~
33 ~~percent of all solid waste from landfill disposal or transformation~~
34 ~~by January 1, 1995, through source reduction, recycling, and~~
35 ~~composting activities.~~

36 ~~(2) Except as provided in Sections 41783, 41784, and 41785,~~
37 ~~for the first and each subsequent revision of the element, the city~~
38 ~~or county shall divert 50 percent of all solid waste on and after~~
39 ~~January 1, 2000, and 75 percent on and after January 1, 2015,~~
40 ~~through source reduction, recycling, and composting activities.~~

1 ~~(b) Nothing in this part prohibits a city or county from~~
2 ~~implementing source reduction, recycling, and composting~~
3 ~~activities designed to exceed these requirements.~~

4 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
5 ~~Section 6 of Article XIII B of the California Constitution because~~
6 ~~a local agency or school district has the authority to levy service~~
7 ~~charges, fees, or assessments sufficient to pay for the program or~~
8 ~~level of service mandated by this act, within the meaning of~~
9 ~~Section 17556 of the Government Code.~~